

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBYN ABRAHAM,

Plaintiff,

-v.-

ABBY LEIGH, *et al.*,

Defendants.

17 Civ. 5429 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On June 10, 2019, the Court entered an Order, setting a deadline of November 15, 2019, for the filing of pre-motion letters concerning contemplated summary judgment motions. (Dkt. #230). Plaintiff requested leave to file a motion for summary judgment for the first time on February 25, 2020. (Dkt. #450). On February 27, 2020, the Court entered an Order requiring Plaintiff to file a letter on or before March 6, 2020, demonstrating good cause as to why she failed to file a pre-motion submission by the November 15, 2019 deadline. (Dkt. #455). The Court is in receipt of Plaintiff's March 6, 2020 letter seeking leave to file a motion for summary judgment and attempting to demonstrate good cause as to why she did not comply with the Court's June 10, 2019 Order. (Dkt. #459). The Court is also in receipt of the Leigh Defendants' March 12, 2020 Letter in opposition to Plaintiff's request. (Dkt. #463, 464).

Plaintiff's application to file an untimely motion for summary judgment is hereby DENIED. Plaintiff has failed to establish good cause for her failure to abide by the Court's June 10, 2019 Order, which gave the parties five months in which to make pre-motion submissions for anticipated motions for summary

judgment. Nor has Plaintiff established that her failure to do so was the result of excusable negligence. Further, upon review of Defendants' motion for summary judgment papers, Plaintiff's opposition papers, and the exhibits that Plaintiff has submitted to the Court to demonstrate the likelihood of success of her anticipated motion for summary judgment, the Court concludes that Plaintiff's motion for summary judgment, were it to be filed, would not have a reasonable likelihood of success. Thus, it would be a waste of the parties' and the Court's resources to allow Plaintiff to file an untimely motion for summary judgment. In so deciding, the Court does not express any opinion as to the likelihood of success of Defendants' motion for summary judgment, which has not yet been fully briefed.

SO ORDERED.

Dated: March 18, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge